DOCUMENT RESUME

ED 199 253 SP 017 803

AUTHOR	Fair, Martha H.; And Others
TITLE	Participant Workbook. Physical Education: Implementing Sex Equity Using Title IX.
INSTITUTION	Colorado State Dept. of Education, Denver.
SPONS AGENCY	Office of Education (DHEW), Washington, D.C. Women's Program Staff.
REPORT NO	CDE-80-1838-1M
PUB DATE	Aug 79
CONTRACT	300-76-0456
NOTE	87p.
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Ability Grouping; *Change Strategies; Educational Objectives; Elementary Secondary Education; *Federal Legislation; Flexible Scheduling; *Physical Education; *Program Development; Self Evaluation (Individuals); Sex Bias; Sex Discrimination; *Sex Fairness; Student Evaluation; Teacher Workshops
IDENTIFIERS	*Title IX Education Amendments 1972

ABSTRACT

This workshop manual was developed to aid instructors in complying with the federal mandate to eliminate sex discrimination and bias in elementary and secondary physical education classes. Information and participant worksheets are provided for the following topics: (1) basic guidelines for physical education Title IX compliance; (2) case examples of situations which may occur in the operation of physical activity programs; (3) physical activity objectives for male and female students; (4) assessing physical education programs; and (5) suggestions for action steps. The appendix contains an outline of requirements of the law on physical education equality, sample questions and answers related to Title IX implementation in physical education, and suggested answers to the physical education case examples. (JD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

SP

TITLE IX

Physical Education
Implementing Sex Equity

ED199253

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.

- Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

RECEIVED
OCT 1 1980
COLORADO STATE LIBRARY
State Publications Depository

SP 017 803

COLORADO DEPARTMENT OF EDUCATION
CALVIN M. FRAZIER, COMMISSIONER
DENVER 1979

Participant Workbook

PARTICIPANT WORKBOOK

PHYSICAL EDUCATION: IMPLEMENTING SEX EQUITY USING TITLE IX

Prepared by
Martha H. Fair, Project Director
Nancy Kain Cook, Consultant
Jeanette Ray Goins, Consultant
Linda S. Doyle, Consultant
August, 1979

Adapted/Adopted
From the materials prepared for the
Council of Chief State School Officers'
Title IX Equity Workshops Project
by
Shirley McCune
and
Martha Matthews
at the
Resource Center on Sex Roles in Education
Washington, D. C.

Fred E. Holmes, Director
Equal Education Services Unit

Roy G. Brubacher, Assistant Commissioner
Office of Field Services

Calvin M. Frazier, Commissioner
Colorado Department of Education

COLORADO STATE BOARD OF EDUCATION

Jacquie Haughton, Chairman ..... Lakewood
(Second Congressional District)

Allen B. Lamb, Vice Chairman ..... Windsor
(Fourth Congressional District)

Betty Gilliss ..... Aurora
(Fifth Congressional District)

Dorothy Gotlieb ..... Denver
(First Congressional District)

Frank J. Ricotta ..... Pueblo
(Third Congressional District)

Education 79-1665 400
Revised, March 1980 CDE 80-1838 1M
Price $3.00
No charge to Colorado Public Schools

CONTENTS

		PAGE
PREFACE		v
KEY TO DRAWINGS		vi
SESSION OBJECTIVES		vii
WORKSHEET 1:	Assessing Title IX Implementation in Physical Education Programs	1
INFORMATION SHEET 2:	Basic Guidelines for Physical Education Title IX Compliance	2
WORKSHEET 3:	Physical Education Case Examples	5
WORKSHEET 4:	Physical Activity Objectives for Female and Male Students	8
WORKSHEET 5:	An Equal Chance Through Title IX	10
WORKSHEET 6: (Elementary)	Physical Education Assessment Inventory What Is What Can Be	12
WORKSHEET 7: (Elementary)	Establishing Action Strategies and Priorities	16
WORKSHEET 8: (Secondary)	Physical Education Assessment Inventory What Is What Can Be	18
WORKSHEET 9: (Secondary)	Physical Education Program Options and Implications	22
WORKSHEET 10: (Secondary)	Basic Orientations to Physical Education Programming	24
WORKSHEET 11: (Secondary)	Scheduling of Classes and Facilities for Physical Education Programs	26
WORKSHEET 12: (Secondary)	Evaluation of Physical Education Students	27
WORKSHEET 13: (Secondary)	Developing a Model for Student Physical Education	28
WORKSHEET 14: (Secondary)	Establishing Action Strategies and Priorities	29
WORKSHEET 15:	My Action Plan	31
INFORMATION SHEET 16:	Suggestions for Action Steps	33

CONTENTS

(continued)

		PAGE
APPENDICES		35
Appendix A:	Requirements of the Law: Title IX and Physical Education	36
Appendix B:	Sample Questions and Answers Related to Title IX: Implementation in Physical Education	44
Appendix C:	Suggested Answers to Physical Education Case Examples	48
Appendix D:	"An Equal Chance Through Title IX": An Analysis	53
WORKSHOP EVALUATION SHEET		57

PREFACE

The Title IX/Sex Equity training model is designed to assist educational personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. The training model was utilized and tested in twenty regional workshops by the Council of Chief State School Officers' (CCSSO) Title IX Equity Workshops Project. This project was funded under contract 300-76-0456 with the Women's Program Staff, U.S. Office of Education.

The training model is designed for all persons who have the opportunity to work with any persons interested in Title IX. Workshop sessions are provided for the following groups:

- Administrators, Title IX coordinators, and school board members
- Instructional personnel
- Counseling and pupil services personnel
- Physical activities personnel (physical education and athletics staff)
- Community group members

The session outlines and materials were originally developed by Martha Matthews and Shirley McCune. Martha Matthews' time was partially supported by funds provided by the Ford Foundation. Shirley McCune and Martha Matthews are co-editors of the training model.

Persons who have authored or contributed to other outlines and materials within the total package include: Linda Stebbins, Nancy Ames, and Illana Rhodes (Abt Associates, Cambridge, Mass.); Judy Cusick, Joyce Kaser, and Kent Boesdorfer (Resource Center on Sex Roles in Education, Washington, D.C.); Barb Landers (California State Department of Education, Sacramento, California); and Janice Birk (University of Maryland, College Park, Md.).

Adaptations in the training materials for Colorado school districts were made by Dr. Martha Fair, Sex-Equity Supervisor for the Colorado Department of Education, and Linda S. Doyle, Consultant. The art work and cover design were done by The Art Department, Inc. Annette Ryan typed and edited the manuals.

Title IX Sex Equity Staff
Equal Education Services Unit
Colorado Department of Education
August, 1979

KEY TO DRAWINGS

DRAWING 1: LECTURES OR INTRODUCTORY COMMENTS TO BE PRESENTED BY THE FACILITATOR. "Hip-O-Niner" is the Colorado Title IX/Sex Equity mascot.

DRAWING 2: INDIVIDUAL ACTIVITY

DRAWING 3: SMALL GROUP ACTIVITY OR DISCUSSION

DRAWING 4: LARGE GROUP ACTIVITY OR DISCUSSION

SESSION OBJECTIVES

The objectives for this session are:

To increase participants understandings of the Title IX regulation and its specific implications for the policies, practices, and programs provided in physical education

To increase participants' skills in identifying discriminatory or biased situations and to develop appropriate corrective and remedial actions for overcoming such discrimination and bias

To provide participants an opportunity for examining their behaviors reflecting their philosophies of physical education programs as they relate to sex equity

To provide participants with an overview of the change process as it may be applied to attaining sex equity in physical education programs

To provide participants with positive images of sex equity in physical education programs

To provide participants with methods of assessing physical education programs and the needs for change

To provide participants with multiple alternatives for modifying programs which can increase the quality of the program as well as the equity provided for students

To provide participants with an opportunity for developing the first steps of an action plan for use in their local situations

Participant
Worksheet 1

ASSESSING TITLE IX IMPLEMENTATION IN PHYSICAL EDUCATION PROGRAMS

1. What positive experiences have you had in attempting to comply with the provisions of the Title IX regulation?

2. What are the greatest barriers to the attainment of Title IX compliance and sex equity in physical education programming in your district?

3. What one issue concerning sex equity in physical education programming is in most critical need of attention?

Participant
Information
Sheet 2

BASIC GUIDELINES FOR PHYSICAL EDUCATION TITLE IX COMPLIANCE

In order to apply the necessarily abstract and technical language of the Federal regulation to the physical education programs of education agencies and institutions, it may be useful to review a number of basic guidelines or principles derived from the Regulation. The principles regarding compliance in this area are scattered throughout the Regulation and the following guidelines pull together the essence of physical education compliance.

1. Physical education programs, courses, classes, or activities may not differentiate between students on the basis of sex.

   Any requirements for participation in physical education must be the same for females and males. Male and female students may not be required, on the basis of their sex, to complete different numbers of hours, days, or semesters of physical education. Males and females may not be required to participate in different physical education programs, classes, courses, or activities.

   Participation in physical education programs, courses, classes, or activities may not be refused to students on the basis of their sex.

   Physical education courses and classes may not be conducted separately for male and female students (except on those occasions when they deal exclusively with human sexuality). The same is true for most physical education activities.

   Physical education courses may not be sex-designated.

2. Title IX does not require any specific curricula or activities within a physical education program; it requires only that those which are offered by an agency or institution be open equally to students of both sexes.

3. Title IX does not specify any particular process for the assignment of selection of students for physical education courses or classes. Any procedure may be used if it does not discriminate on the basis of sex.

4. Students may be grouped by ability, as assessed by objective standards, within physical education classes or activities. Grouping by objective standards of ability may result in groups composed primarily of students of one sex.

5. Students may be separated by sex within physical education classes for participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports, the purpose or major activity of which involves bodily contact.

6. Evaluation of students' skills or progress in physical education must be based on standards which do not have an adverse impact on students of one sex.

   If the use of a single standard or set of standards for the evaluation of both female and male students has an adverse effect upon students of one sex:

   two separate standards or sets of standards, one for males and one for females, should be developed for evaluation of skills or performance; or

   a single standard or set of standards which measures individual student improvement should be adopted.

7. Physical education facilities and equipment must be allocated without regard to sex of students or instructors.

8. Physical education staff must be assigned teaching and supervisory duties (other than locker room supervision) on the basis of their qualifications rather than their sex or predominant sex of the students in a particular course, class, or activity.

9. Physical education staff may not be treated differentially on the basis of sex in hiring, job assignment or classification, compensation, or any other condition of one sex.

10. The Title IX regulation makes no requirements regarding the administrative structure of the physical education department or staff. If, however, any changes are made to accompany the integration of physical education

classes by sex, these changes may not have an adverse effect on the employment of one sex.

11. Elementary schools should have been in full compliance with the regulatory requirements for nondiscrimination in physical education by July 21, 1976. Secondary and postsecondary schools should comply fully as rapidly as possible, but in no event later than July 21, 1978.

12. If noncompliance with Title IX requirements for nondiscrimination is identified, two forms of action must be taken:

    modification must be made to correct any policies, procedures, or practices which have been found to discriminate; and

    remedial steps must be taken to alleviate the effects of any discrimination identified.

    Secondary and postsecondary schools are granted an adjustment period, not a waiting period. Barriers to immediate compliance must be identified, and active steps toward their elimination must be taken during this time interval. Such steps might include: program planning, staff training, facilities, or construction of additional facilities, etc.

Prepared by Martha Matthews as included in Title IX and Physical Education: A Compliance Overview. Washington: Resource Center on Sex Roles in Education, 1976.

Participant
Worksheet 3

PHYSICAL EDUCATION CASE EXAMPLES

Listed below you will find a number of case examples of situations which may occur in the day-to-day operation of physical activity programs. Please read each one and answer the following questions:

Does the case example demonstrate a violation of the Title IX regulation?

If the case example does not demonstrate a violation of the Title IX regulation (sex-discrimination), would it be characterized as a sex-biased behavior? (Mark each case example with D (Discrimination), B (Bias), F (Fair), or A (Affirmative).

If either of the conditions exist (sex discrimination or sex bias), what are some of the appropriate corrective and remedial steps which may be taken?

Physical Education--Elementary Case Examples

1. For several years two faculty members have been trying to introduce "Movement Education" into their physical education classes for the fourth grade. Two other fourth grade teachers have continued to follow a sports orientation for their curricular efforts. Now, parents are complaining that it's not fair for some students to get one thing and others to get another. As the fourth grade chair, what would you do?

2. While driving past an elementary playground you notice that all of the boys are playing a rousing game of dodge ball while the girls are swinging on the swings or sitting under the trees. Your companion comments, "I guess dodge ball is too rough for the girls".

3. Several parents have learned about Title IX and are appalled that the school is still conducting separate physical education programs for all of the students, grades K-6. They demand to know when their daughters will get an "even break". As chair of the Title IX faculty committee you explain that this is a very unpopular law and physiologically students are not equal, so coeducational physical education is out of the question. What might happen?

4. The physical activity class is completed. The teacher tells the girls to put on their shoes and return to class while the boys put away all of the mats.

5. During fourth grade physical education, the boys play soccer while the girls take dance.

6. Mary is an outstanding athlete. Every day she is allowed to play with the boys during physical education while her female classmates engage in other activities.

Physical Education--Secondary Case Examples

1. In order to qualify for advanced track and field classes, students are required to run a mile in less than six minutes. The result is that 22 boys are admitted to the class, and no girls qualify.

2. In order to provide the best instruction possible, the staff at Kennedy High School decides to team teach all contacts sport classes so one man and one woman are assigned to each section.

3. The boys in a physical conditioning class are complaining because they must do a full pull-up to pass the arm strength test, while the girls only have to do the bent arm hang for 10 seconds.

4. All classes of basketball made up predominantly of girls are scheduled into the small gym while all classes predominantly composed of boys are using the big, official gymnasium.

5. Xavier High School has initiated coeducational physical education for all of its 10-12th grade students. The freshmen, however, are still in sex-segregated classes so that they can be classified and "properly" oriented to what lies ahead. During this freshman year all boys must take weight training and wrestling, while all of the girls must take posture analysis and modern dance. During the spring quarter they are exposed to coeducational activities on an elective basis.

6. In order to overcome past discrimination, the merged physical education department announces a new course in girls' weight training so they can "catch up with the boys".

7. An irate parent is complaining about the injury his son received in a soccer class. It seems a 180-pound girl crashed into Jim, his 105-pound son, in a beginners' class.

8. A girl returning from terminating a pregnancy is required to make up all physical education sessions missed while a boy in the same class in allowed to re-enter after recovering from a broken leg with no make-up work required.

9. A female physical education teacher resigns. The principal fills the position with a male who can help coach the football team. This makes the female/male ratio 6 to 3 in favor of the men.

10. The counselors decide that they will "unofficially" designate boys with an "x" and girls with a "y" on physical education class rosters so they can avoid overloading the locker rooms at any given class period.

Prepared by Barbara Landers, State of California, Department of Education, 1977.

Participant
Worksheet 4

PHYSICAL ACTIVITY OBJECTIVES FOR FEMALE AND MALE STUDENTS

Exercise A

Directions: Listed below are eight possible objectives for physical education and eight different objectives for athletic programs. Rank each item (A-H) from 1 to 8, with 1 being the most important. List other possible objectives on the following page but do not include them in your ranking exercise.

Physical Education OBJECTIVES-- For students to develop:	Ranking for P.E.	Ranking for Athletics	Athletics Program OBJECTIVES-- to provide for students
A. A positive sense of competition			A. Entertainment
B. Gracefulness and effective body management			B. Opportunities for the gifted
C. A high level of skill in many sports			C. Training for sports scholarship candidates
D. A sense of cooperation and responsibility			D. Sports services for the largest number of students possible
E. Social skills and recreational opportunities			E. A laboratory for positive character development
F. Optimal physical fitness levels of performance			F. Competitive experiences in a wide variety of sports
G. Varsity athletics calibre skills			G. Championship experiences in a limited number of sports
H. Positive values related to physical education concerns			H. An extension of the physical education instructional program

OTHERS: (Do Not Rank)

_____

_____

_____

OTHERS: (Do Not Rank)

_____

_____

_____

Directions for Scoring: Select a partner of the opposite sex and total the numbers given as a ranking for each of the objectives. Does this total, when taken in its numerical order (from least high to highest), change the ranked position of your objectives? Where do the most changes occur--physical education or athletics? To what do you attribute the existing discrepancies?

Exercise B

Working with a partner of the opposite sex, list the three top objectives one should have for "Student Physical Education".

1. _____

2. _____

3. _____

Working with a partner of the opposite sex, list the three top objectives one should have for "Student Athletics".

1. _____

2. _____

3. _____

Exercise C

Discuss with the group what must happen to reconcile the differences.

Participant
Worksheet 5

AN EQUAL CHANCE THROUGH TITLE IX

1. What assumptions seemed to be made about students in the film? (e.g. students naturally enjoy physical activity)

2. What assumptions seemed to be made about physical activity programs in the film? (e.g. physical education programs are very important to the development of self-image)

3. What assumptions did you see being made about similarities of male and female students in the film?

4. What assumptions did you see being made about differences between male and female students in the film?

5. How could the programs or the aspects of the programs depicted in this film be adapted and/or incorporated in your physical activity program?

6. What problems, if any, would you anticipate in implementing these programs?

Participant
Worksheet 6
(Elementary)

PHYSICAL EDUCATION ASSESSMENT INVENTORY

WHAT IS WHAT CAN BE

Responses to the implementation of a sex equitable physical education program can take a variety of forms. The district response may vary from ignoring the issues of sex bias and sex discrimination, to complying with the bare minimal requirements of Title IX (and other anti-discrimination legislation), to implementing a program of genuine sex equity.

The following instrument is designed to help you assess the level of response of your district to the issue of sex equity in physical education. By completing this instrument twice you can assess the current level of district response ("what is") and also assess the response level that you would like to see--your estimation of "what can be".

The instrument is divided into six categories:

Title IX Procedural Requirements

Goals and Objectives of Physical Education

Curriculum

Student Grouping

Instructional Procedures and Techniques

Student Evaluation

INSTRUCTIONS

Complete this instrument twice. The first time through, place an "X" on that portion of the continuum that best represents your district's position right now. This perception should reflect your best estimation of "what is". The second time through, place an "O" on that part of the continuum that represents where you would like to see your district regarding that issue. This second mark is your estimation of "what can be" in your district.

Adapted from: Enberg, Mary Lou. Tracking Equal Opportunity in Physical Education Recreation, Athletics. (Olympia, Washington: Washington Department of Public Instruction), 1977.

PHYSICAL EDUCATION INVENTORY

"What Is" **"What Can Be"**

TITLE IX PROCEDURAL REQUIREMENTS

1.	Make a statement of intent to comply without a formal self-evaluation	Perform a self-evaluation	Perform a thorough self-evaluation to see where inequities exist in physical education opportunities, access and programming
2.	Determine compliance or non-compliance by executive action	Establish committee with responsibilities to determine compliance status but no power to affect changes, except to make recommendations	Establish committees which include students and have the power and responsibility for analysis and formation of long range plans for equity in programs and facilities
3.	Establish student interests by deciding what is best for them	Administer but ineffectively utilize student surveys	Administer and use student interest surveys to evaluate physical education experiences and to choose options for programming
4.	Wait until complaints have been filed with the Office for Civil Rights before considering program changes	Wait until 1978 to make adjustments where obvious inequities exist	Systematically plan for and continually reassess physical education and recreation offerings to match student needs and interests

GOALS AND OBJECTIVES OF PHYSICAL EDUCATION

5.	Continue sex-segregated program	Assume that it is "business as usual" with only a change in clientele	Review and rethink the goals and purposes of physical education in your district in light of the mandate of sex equity

6. Concentrate on the physical needs of students and let the psychological needs be taken care of elsewhere	Expect that psychological needs will be met from the nature of the program and your own warm personality	Pay special attention to psychological security of students participating in a new kind of experience

CURRICULUM

7. Provide sex-integrated programs based on the concepts traditionally provided in the "boys' curriculum"	Modify the curriculum, mixing the activities traditionally provided in the "boys'" curriculum and the "girls'" curriculum	Redesign the curriculum to ensure that all students are exposed to a variety of skills and the quality of the program is improved
8. Consider physical education as 'playtime" without need of a structured curriculum	Continue the major emphasis on psycho-motor competence	Recognize the integrated class as a new opportunity for enhancing the cognitive and affective as well as the psycho-motor domain

STUDENT GROUPING

9. Conduct separate activities for girls and boys in two groups within the same classroom or area	Provide for some sex-integrated activities but keep students segregated during all contact sports activities	Conduct all activities on a sex-integrated basis including skills practice for contact sports and team activities where ability and safety considerations permit
10. Do not allow any activities to be conducted in sex-integrated settings	Adhere to the rules, assuming that everyone has a need to participate by the standard rules	Modify or have students suggest modifications of activities to allow for participation by a wide skill range

11.	Ability group by sex by assuming all females would exhibit lower levels of skill than all males	Retain traditional ability tests which may or may not discriminate on the basis of sex	Develop and/or adopt tests which will divide students into skill groups for those activities in which skill is the important factor for safety or for enjoyment
INSTRUCTIONAL PROCEDURES AND TECHNIQUES			
12.	Continue current teaching procedures and techniques in sex-segregated classes	Continue current teaching procedures and techniques in sex-segregated classes	Survey effectiveness or ineffectiveness of teaching procedures and techniques for combined classes
13.	Allow the continuation of teaching patterns of males teaching males, and females teaching females	Mandate team-teaching assignments	Renew or develop team teaching skills so that integrated classes can be organized with provision for interest and skill level
14.	Merge the girls' physical education department and the boys' physical education department "on paper" but retain the separate structures of the departments	Merge the girls' physical education department and the boys' physical education department and provide for common office areas, access to equipment, and administrative procedures	Merge the girls' physical education department and the boys' physical education department and initiate team building efforts which provide a common administrative and curriculum frame of reference
STUDENT EVALUATION			
15.	Establish a single standard for student evaluation for females and males	Establish separate evaluation standards for females and males without assessing the degree to which females or males could meet the standards	Establish different evaluation standards for students on the basis of their ability, effort, and progress

Participant
Worksheet 7
(Elementary)

ESTABLISHING ACTION STRATEGIES AND PRIORITIES

1. Please list the level for which you intend to develop strategies and priorities (individual, school, or district) for change.

2. Select the most critical area of concern/problem you face in implementing Title IX at this level and note it below: (e.g., personal attitude, existing school program, discriminatory district policy, etc.).

3. Using the item noted in 2 above, complete the following analysis:

   What is?

   What can be?

   What will be?

4. List one constraint which could thwart your effort and a strategy you could employ to overcome the constraint listed.

Constraint	Strategy for overcoming

5. Indicate an outcome which would help you determine when you have effectively implemented your plan.

6. What other concerns/problems would have to be treated in order to achieve sex equity?

Participant
Worksheet 8
(Secondary)

PHYSICAL EDUCATION ASSESSMENT INVENTORY

WHAT IS WHAT CAN BE

Responses to the implementation of a sex equitable physical education program can take a variety of forms. The district response may vary from ignoring the issues of sex bias and sex discrimination, to complying with the bare minimal requirements of Title IX (and other anti-discrimination legislation), to implementing a program of genuine sex equity.

The following instrument is designed to help you assess the level of response of your district to the issue of sex equity in physical education. By completing this instrument twice you can assess the current level of district response ("what is") and also assess the response level that you would like to see--your estimation of "what can be".

The instrument is divided into six categories:

Title IX Procedural Requirements

Goals and Objectives of Physical Education

Curriculum

Student Grouping

Instructional Procedures and Techniques

Student Evaluation

INSTRUCTIONS

Complete this instrument twice. The first time through, place an "X" on that portion of the continuum that best respresents your district's position right now. This perception should reflect your best estimation of "what is". The second time through, place an "O" on that part of the continuum that represents where you would like to see your district regarding that issue. This second mark is your estimation of "what can be" in your district.

Adapted from: Enberg, Mary Lou. Tracking Equal Opportunity in Physical Education Recreation, Athletics. (Olympia, Washington: Washington Department of Public Instruction), 1977.

PHYSICAL EDUCATION INVENTORY

"What Is" "What Can Be"

TITLE IX PROCEDURAL REQUIREMENTS

1.	Make a statement of intent to comply without a formal self-evaluation	Perform a self-evaluation	Perform a thorough self-evaluation to see where inequities exist in physical education opportunities, access and programming
2.	Determine compliance or non-compliance by executive action	Establish committee with responsibilities to determine compliance status but no power to affect changes, except to make recommendations	Establish committees which include students and have the power and responsibility for analysis and formation of long-range plans for equity in programs and facilities
3.	Establish student interests by deciding what is best for them	Administer but ineffectively utilize student surveys	Administer and use student interest surveys to evaluate physical education experiences and to choose options for programming
4.	Wait until complaints have been filed with the Office for Civil Rights before considering program changes	Wait until 1978 to make adjustments where obvious inequities exist	Systematically plan for and continually reassess physical education and recreation offerings to match student needs and interests

GOALS AND OBJECTIVES OF PHYSICAL EDUCATION

5.	Continue sex-segregated program	Assume that it is "business as usual" with only a change in clientele	Review and rethink the goals and purposes of physical education in your district in light of the mandate of sex equity

6.

Concentrate on the physical needs of students and let the psychological needs be taken care of elsewhere	Expect that psychological needs will be met from the nature of the program and your own warm personality	Pay special attention to psychological security of students participating in a new kind of experience

CURRICULUM

7.

Provide sex-integrated programs based on the concepts traditionally provided in the "boys' curriculum"	Modify the curriculum, mixing the activities traditionally provided in the "boys'" curriculum and the "girls'" curriculum	Redesign the curriculum to ensure that all students are exposed to a variety of skills and the quality of the program is improved

8.

Consider physical education as "playtime" without need of a structured curriculum	Continue the major emphasis on psycho-motor competence	Recognize the integrated class as a new opportunity for enhancing the cognitive and affective as well as the psycho-motor domain

STUDENT GROUPING

9.

Conduct separate activities for girls and boys in two groups within the same classroom or area	Provide for some sex-integrated activities but keep students segregated during all contact sports activities	Conduct all activities on a sex-integrated basis including skills practice for contact sports and team activities where ability and safety considerations permit

10.

Do not allow any activities to be conducted in sex-integrated settings	Adhere to the rules, assuming that everyone has a need to participate by the standard rules	Modify or have students suggest modifications of activities to allow for participation by a wide skill range

11.	Ability group by sex by assuming all females would exhibit lower levels of skill than all males	Retain traditional ability tests which may or may not discriminate on the basis of sex	Develop and/or adopt tests which will divide students into skill groups for those activities in which skill is the important factor for safety or for enjoyment

INSTRUCTIONAL PROCEDURES AND TECHNIQUES

12.	Continue current teaching procedures and techniques in sex-segregated classes	Continue current teaching procedures and techniques in sex-segregated classes	Survey effectiveness or ineffectiveness of teaching procedures and techniques for combined classes
13.	Allow the continuation of teaching patterns of males teaching males, and females teaching females	Mandate team-teaching assignments	Renew or develop team teaching skills so that integrated classes can be organized with provision for interest and skill level
14.	Merge the girls' physical education department and the boys' physical education department "on paper" but retain the separate structures of the departments	Merge the girls' physical education department and the boys' physical education department and provide for common office areas, access to equipment, and administrative procedures	Merge the girls' physical education department and the boys' physical education department and initiate team building efforts which provide a common administrative and curriculum frame of reference

STUDENT EVALUATION

15.	Establish a single standard for student evaluation for females and males	Establish separate evaluation standards for females and males without assessing the degree to which females or males could meet the standards	Establish different evaluation standards for students on the basis of their ability, effort, and progress

Participant Worksheet 9 (Secondary)

PHYSICAL EDUCATION PROGRAM OPTIONS AND IMPLICATIONS

PROGRAM	CHARACTERISTICS	SEX EQUITY IMPLICATIONS
1. CORE	1. All units of instruction are required of all students. Students move through a predetermined series of units. May or may not be ability grouped. Accommodates teacher skills and interests; prescribes student interests or needs.	• may not accommodate student interests • possible conflict areas--wrestling, dance, etc. • if units of instruction are traditional, ability grouping may be needed • need for staffs to agree on student needs
2. ELECTIVE	2. Possible units of instruction are posted and students elect through interests or ability. Wide diversity of offerings possible. May accommodate student needs, interests and/or teacher skills, interests.	• may lead to principally recreationally oriented programs • unless stranded (i.e., Novice, Experienced, etc.) may exclude some activities because of feelings of inadequacy • allows for complete sex-traditional choices with no sex-crossovers in activities (i.e., easy to keep status quo) • harder to justify at the lower levels (e.g., elementary school)
3. CHANNELED ELECTIVE	3. Possible units of instruction are posted and students elect in response to predetermined "goals," i.e., two team sports, three individual sports, one aquatics, one dance, one conditioning, one combative, etc. May or may not be stranded.	• allows for the establishment of identified program goals and for some student interest fulfillment • may be too flexible to assure sex-integrated classes • better success if stranded

PROGRAM	CHARACTERISTICS	SEX EQUITY IMPLICATIONS
4. CORE/PRESCRIPTIVE	4. Students are pretested in a fundamentals class and then guided toward programs designed for their needs--may enter the core (correctives emphasis) or the channeled elective (meet basic requisities, then elect according to interest) or the free elective (gaming/participation emphasis). Requires more teacher agreement, organization, and diversification.	• staffs must agree on pretesting areas of emphasis and standards of performance • student needs are identified and served individually or in like groups • more difficult to administer than other options
5. COMBINATION--INDIVIDUALIZED--DIVERSIFIED	5. Any/all of the above combined or redesigned to fit the specific needs of the local setting. Contract learning offered on an individual basis. Units with vocational education emphasis, peer teaching, cross age teaching, performing fine arts orientation, and integrated curriculum (body as a laboratory) units possible.	• easiest of options to implement sex equity • complex to organize and conduct with small staff

From: Landers, Barbara. Title IX Phase III, ... Alternatives for Improving Programs ... (Sacramento, Calif.: State of California Department of Education) March 1977.

Participant Worksheet 10 (Secondary)

BASIC ORIENTATIONS TO PHYSICAL EDUCATION PROGRAMMING

ORIENTATION	CHARACTERISTICS	SEX EQUITY IMPLICATIONS
Sports Centered	primarily offers units of instruction in predetermined sports areas	• biased in favor of males who are socially predisposed to the competition • may not meet the interests of students • is of limited lifetime usefulness for both females and males • teaches important social skills
Fitness Centered	sets physical performance goals in all fitness areas and establishes how staff will project these to students--required obstacle courses, units in body conditioning, etc.	• is sex-blind (same goals for both males and females) • may be limited in lifetime fitness preparation • may be limited in reaching other than psychomotor competency goals • may initially favor males over females
Social Skills Centered	sets a recreational environment and allows students to schedule activities of their own choice	• may perpetuate a sexist (illegal) status quo • provides a lifetime competence atmosphere • needs structure to assure effective as well as psychomotor functions are fulfilled • may be difficult to organize

ORIENTATION	CHARACTERISTICS	SEX EQUITY IMPLICATIONS
Combination (example)	establish a core requirement in motor ability areas, schedule all students into the fundamental class for self-evaluation; move those with high skill level into a gaming track (elective); those with instructional needs into a basic track (predetermined); those with remedial needs into an adapted track (rehabilitively oriented); and those with interests skills and maturity into a leadership/vocational/services track (special units emphasis).	• staffs must agree of core requirements • complex to organize and conduct with small staff • allows for an atmosphere of "individual as important human being"

Adapted from: Landers, Barbara. Title IX Phase III ... Some Alternatives for Improving Programs ... (Sacramento, Calif.: State of California Department of Education) March 1977.

Participant Worksheet 11 (Secondary)

SCHEDULING OF CLASSES AND FACILITIES FOR PHYSICAL EDUCATION PROGRAMS

OPTION	SEX EQUITY IMPLICATIONS
1. Schedule approximately the same number of boys and girls into each physical education teacher's class	• teachers would keep this group of students for semester or year • if student registered, male students might select male teachers and females select female teachers • requires broad teaching expertise on the part of staff
2. Schedule approximately the same number of boys and girls to "staff" by period. Multiple options are available to students within the class	• solves the student reservation • if teachers assign students, activity must be • if students select activities, all activities must be open to both boys and girls • in contact sport activities, students may be separated by sex within the class
3. Schedule students to physical education by elective subject areas (badminton, volley ball, for example). These classes must be open to both boys and girls	• allows for greater staff specialization • tendency for students to gravitate toward sex-traditional activities only • may have to be stranded to allow for a wide variety of skill levels
4. Schedule approximately the same number of boys and girls to "staff" by period. Assignment of students to activities is controlled by staff	• mandates that activities be stranded (i.e., Novice, Intermediate, Advanced) • student groupings, on the basis of ability, need to utilize specified standards of individual performance

Adapted from: Landers, Barbara. Title IX Phase III, ...Alternatives for Improving Programs ... (Sacramento, Calif.: State of California Department of Education) March 1977.

Participant
Worksheet 12
(Secondary)

EVALUATION OF PHYSICAL EDUCATION STUDENTS

OPTION	CHARACTERISTICS	SEX EQUITY IMPLICATIONS
ONE DEPARTMENTAL POLICY	The members of the P.E. department agree on all facets of evaluation and the policies are applied equally to all students; i.e., 20% for preparation, 35% for participation, 45% for skills/cognitive growth, method of earning points, etc.	• assumes thal all students begin in the same place • is subject to individual staff interpretation • measurement is not regulated • does not allow for individual focus, which may reflect negatively on females who start out behind males
COMPETENCY BASED EVALUATION	Competencies for various units are predetermined. Instruction is directed toward the development of these competencies. Evaluation is on student progress or retention of high skill/cognition ability	• very conducive to individualized instruction • subject to individual staff interpretation in administration of tests
ACADEMIC FREEDOM	Staff members are allowed to establish their own evaluation schema for the units they teach	• allows a great deal of staff latitude • does not provide for program consistency
COMBINATIONS OF THE ABOVE	Departments have one set of evaluation policies for all basic instruction units (core), allow academic freedom for special courses (cross-age teaching, life saving, WSI, performing dance, etc.), establishing competency based criteria for electives, etc.	• more difficult to organize and control • allows flexibility for staff

Participant Worksheet 13 (Secondary)

DEVELOPING A MODEL FOR STUDENT PHYSICAL EDUCATION—A SUMMARY OF CONTINUUMS

Age span: Middle Junior Senior (Circle one)

1. SEX EQUITY

No commitment	Accept concepts with reservations	Accept Concepts But will "Wait and See"	Ready to make necessary changes	Full commitment

2. PROGRAM FOCUS

Teachers' choice	Sports centered recreational emphasis	Sports centered instructional emphasis	Fitness centered	Sports and fitness centered	Concept/values centered	Combination of child needs centered

3. PROGRAM OPTIONS

Core	Elective	Channeled elective	Core/Pre-scriptive	Combination/ Individualized-Diversified	Stranded to reflect student needs

4. SCHEDULING

Block schedule "Take all comers"	Block schedule Group by ability once in the gym	Selective scheduling (college format) minimal offerings	Selective scheduling (college format) diversified offerings	Prescriptive scheduling (in accordance with identified needs)	Combination scheduling (stranded)

5. EVALUATION

No policy Academic freedom	Pre-determined policy-the same for all activities	Pre-determined policy - in accordance with course objectives	Competency based evaluation	Combinations in accordance with stranded requirements

Participant
Worksheet 14
(Secondary)

ESTABLISHING ACTION STRATEGIES AND PRIORITIES

1. Please list the level for which you intend to develop strategies and priorities (individual, school, or district) for change.

2. Select the most critical area of concern/problem you face in implementing Title IX at this level and note it below: (e.g., personal attitude, existing school program, discriminatory district policy, etc.)

3. Using the item noted in 2 above, complete the following analysis:

   What is?

   What can be?

   What will be?

4. List one constraint which could thwart your effort and a strategy you could employ to overcome the constraint listed.

Constraint	Strategy for Overcoming

5. Indicate an outcome which would help you determine when you have effectively implemented your plan.

6. What other concerns/problems would have to be treated in order to achieve sex equity?

Participant
Worksheet 15

MY ACTION PLAN

1. Write down two objectives for implementing Title IX and attaining sex equity in physical activity programming which you would like to see accomplished. One should be within your own individual sphere of responsibility; the other should be directed toward achieving sex equity within one of your organizational levels (e.g., department, school, community, professional organization).

   A. Within my classroom/team I would _____

   _____

   _____

   B. Within my department/school/community professional association I would _____

   _____

2. Of the two objectives, which would you most like to accomplish at this time? _____

   _____

3. What are the major barriers that you will encounter in working toward accomplishing your objective?

   A. _____

   B. _____

   C. _____

4. What supports will you have in working toward accomplishing your objective?

   A. _____

   B. _____

   C. _____

5. After this analysis, do you still feel that attaining this objective is possible? If so, move ahead with developing your plan. If not, go back and select your other objective.

6. What resources do you need for achieving your objective?

   A. Knowledge/Skills: _____

   _____

   B. Money: _____

   _____

   C. People: _____

   _____

7. List the specific action steps you need to take to achieve your objective. Include who has the responsibility for taking the step and the date by which it should be completed. Write those in chronological order.

	Action Step	Person Responsible	Date
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____

8. How will you evaluate your action plan and at what point will you do so?

   _____

   _____

9. How will you let others know about your action plan and its outcomes? _____

   _____

Participant Information Sheet 16

SUGGESTIONS FOR ACTION STEPS

The following action ideas are suggestions which may stimulate your thinking as you complete your action plans. Suggestions are provided for actions you can suggest to support sex equity in your department/school, your school district, your community, and your professional associations.

DEPARTMENT/SCHOOL LEVEL

Make sure that your department members are knowledgeable about the requirements and options of the Title IX regulation, and the goals and objectives of your departmental implementation plan for providing sex equity in physical activity programming.

Determine whether or not your department knows the extent to which sex bias and discrimination exist in your instructional/coaching area. If not, you can work with colleagues to make this determination. If you already know, use this information to develop goals and objectives for its elimination.

If your department has progressed further than some physical activity departments in the system, offer to share some of your resources to assist others in moving ahead. If your department hasn't progressed as far as others, seek out those you think can help and ask for their assistance.

Develop procedures to ensure that students that choose non-traditional areas within your department receive whatever support they need to experience success.

If your physical education and/or athletics department is being merged from "Male and Female" to "Student", monitor the transition to see that sex discrimination and bias are not involved in the merge.

SCHOOL DISTRICT LEVEL

Make sure your district has met the basic procedural requirements of Title IX: enacting a policy of non-discrimination on the basis of sex, appointing a Title IX coordinator, establishing a grievance procedure, and disseminating this information to staff and students. Your district should have also conducted a self-evaluation to determine the extent to which it is in compliance with Title IX.

Make suggestions to the appropriate persons regarding possible policy and program modifications that would achieve sex equity in physical activity programming.

If you have expertise in the area of eliminating sex discrimination and bias in physical activity programs, offer your services to the district and your colleagues. If, on the other hand, you need some assistance in the area, seek out others on the staff who may have such expertise or ask your administration for assistance.

Make sure that someone knowledgeable about sex equity in physical education programs is represented on all school committees.

COMMUNITY LEVEL

Make sure that the administration has informed the community of its plans and rationale for changing physical activity programming.

To the extent necessary, prepare students for any difficulties they might encounter in picking a non-traditional athletic or activity option.

Work with your counseling department to inform parents of students of the rationale for changing physical activity programs.

Work with supportive community groups (i.e., Booster Clubs) to ensure their continued support of physical activities without regard to the sex makeup of team/activity.

Hold an open house with students working in sex-integrated activities so that parents can observe how it is accomplished.

STATE/REGIONAL/NATIONAL ASSOCIATIONS

Examine the constitution and operational guidelines for evidence of sex discrimination, and if discovered, propose steps to eliminate such discriminination.

Determine whether leadership positions within your association are held by both female and male members. If not, work within the organization to bring about a more equitable sharing of power.

APPENDICES

Contents

		PAGE
Appendix A:	Requirements of the Law: Title IX and Physical Education	37
Appendix B:	Sample Questions and Answers Related to Title IX: Implementation in Physical Education	45
Appendix C:	Suggested Answers to Physical Education Case Examples	49
Appendix D:	"An Equal Chance Through Title IX": An Analysis	54

APPENDIX A

Requirements of the Law
Title IX and Physical Education

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§86.34 ACCESS TO COURSE OFFERINGS	• "GIRLS' PHYSICAL EDUCATION" and "BOYS' PHYSICAL EDUCATION" will become "STUDENT PHYSICAL EDUCATION." Elementary grades (K-6) by July 21, 1976. Secondary grades (7-12) as soon as possible but no later than July 21, 1978.*	• Review course descriptions. • Eliminate sex-designated course titles and requirements • Create or update the coeducational program for all students.
	• Physical education units of instruction required for one sex must be required for everyone.	• Establish uniform policy regarding course/unit requirements, class attendance.
	• Elective units must be scheduled on an open enrollment basis.	• Evaluate the outcomes of open access by noting class enrollment statistics (percent boys, percent girls).
	• Positive counseling regarding physical education opportunities must be in evidence.	• Establish or update counseling procedures so Title IX implications are taken into consideration. • Implement counseling processes with a positive tone and manner.
	• Grouping by ability is permitted as long as objective standards of individual performance related to the unit being studied are applied without regard to sex.	• Where course prerequisites exist, ensure that they do not have an adverse impact on members of one sex.
	*Reasons for not becoming coeducational at once must be substantiated and strategies to overcome obstacles carefully outlined in the district plan for Title IX compliance.	

Requirements of the Law
Title IX and Physical Education

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§86.34 cont. ACCESS TO COURSE OFFERINGS	• Students may be separated by sex for actual participation in contact sports such as wrestling, boxing, rugby, ice hockey, football, and basketball. Other sports may be classified as contact sports but permission to so label must be obtained from the Office for Civil Rights (OCR) of HEW.	• Design units of instruction for contact sports which take into consideration the students' past exposures, interest, and current abilities. • Establish policy regarding contact sports in physical education. Will students be separated by sex for actual participation? (Separation is permitted only during actual game play or skills practice which involves bodily contact.) • Consider using contact sports unfamiliar to all students as the initial coeducation activities (example: korfball). • Consider the safety of students in contact sports, and take necessary preventive measures.
	• Evaluation outcomes may not adversely affect members of one sex. All measures of skill, knowledge, or progress must be nondiscriminatory. This may mean the maintaining of separate levels of expectation until the effect of past discriminations are overcome.	• Review past programs to ascertain whether or not evaluation procedures and program expectations were different for boys and girls. • Develop immediate, short range, and long range evaluation designs based on the existing needs and abilities of the students and the long range goals of the department.
	• Students may be separated for instruction which deals exclusively with human sexuality.	• Review school policy regarding instruction in human sexuality. Recommend the alternatives which could be used to fulfill the district policy and still be in compliance with Title IX (elementary).

Requirements of the Law
Title IX and Physical Education

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§86.33	• Students may be assigned one responsible adult for locker and shower room supervision and a physical education teacher for the class instructional phase.	• Work out the alternatives for supervisory duties and select the most feasible. • Orient students and the administration to the system.
	• Renovations or shared-time plans will have to be made if the facilities provided for one sex are not comparable to those provided for the other sex.	• Develop plans for needed locker room improvements or shared-time plans. Submit to the administration. • Make all necessary renovations by July 21, 1978 (secondary) or by July 21, 1976 (elementary).
§ 86.3 SELF-EVALUATION	• Philosophic tenets, programs, policies, and practices must be reviewed, analyzed for possible discriminations, and necessary changes planned and implemented so as to be in full compliance with the law as soon as possible and no later than July 21, 1976 (elementary, K-6) or July 21, 1978 (secondary, 7-12).	• Involve all staff if possible. • Provide inservice training for the staff so the law and the regulations can be understood, attitudes explicated and explored, and the process of review initiated. • Analyze the results of the institutional self-evaluation, consider alternatives and constraints, formulate plans for needed change, obtain authorization, communicate intentions, and implement the changes.
§ 86.36 DISPROPORTION IN ENROLLMENTS IN CLASSES	• Classes or units required of all students should be fairly equal in enrollment of both sexes. • Classes or units open as electives may or may not have equal representation of both sexes as enrollees.	• Review the results of compliance efforts. Analyze why classes are/are not proportionately integrated by representation of both sexes. • Review the counseling processes used to instruct students about physical education requirements, elective options, and departmental expectations.

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.36 cont. DISPROPORTION IN CLASSES	• Classes with 80% or more enrollment of one sex must be closely scrutinized to ensure that bias does not exist in the counseling of students into such classes. • Counseling procedures, prerequisite requirements, written course descriptions, and advertisements will be perused for all classes in general and for classes with disproportionate enrollments in specific. * Note: Since the results of the Bakke case, the OCR has issued statements that there are no definite quotas implied or inferred in the Title IX regulations. Nevertheless, classes with obviously skewed enrollments would be subject to close scrutiny if an investigation is conducted.	• Maintain statistics on class enrollment makeup. Analyze why the enrollments are as they are. • Make changes as necessary to overcome any discriminatory practice, policy, or process uncovered during the reviews. • Consider individual staff member's attitudes as possible positive or negative influences on class enrollment outcomes. Provide inservice training opportunities for increasing staff understanding and capability.

Requirements of the Law
Title IX and Physical Education - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.31 EDUCATION PROGRAMS AND ACTIVITIES Specific Prohibitions	• Student aides must be selected through use of nondiscriminatory criteria/process.	• Develop and apply criteria for student aide selection which is the same for males and females.
	• Treatment of students must be the same for both sexes	• Review policy regarding boy and girl athletes as related to physical education (during season, on game days, etc.). • Adopt uniform dress requirements. (Note: This regulation is still under consideration for revision. Apparently it will be permissible to have comparable but different dress standards. Case law has yet to be established. Districts may wish to say that students are required to wear clean, safe attire suitable for the activity being pursued. This will include: tennis shoes, socks, a change of clothes which is either a pair of shorts and a shirt or a one-piece suit suitable for activity. Personal safety is the responsibility of each student, and it is recommended that protective attire be worn as needed.)
	• Afterschool use of facilities by outside agencies must be nondiscriminatory on the basis of sex if the agency is provided significant assistance.	• Establish and apply criteria for afterschool use of facilities which will ensure nondiscrimination on the basis of sex. • Check periodically to see that the policy is, in reality, working.
	• Clubs which are an outgrowth of physical education instruction (synchronized swimming, modern dance, etc.), if provided, must be provided on a nondiscriminatory basis.	• Maintain records of the positive steps taken to attract and encourage members of both sexes to join and participate in the special activites.

Requirements of the Law
Title IX and Physical Education - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.40 MARITAL OR PARENTAL STATUS	• Students who are pregnant, have given birth to children, experienced false pregnancy, or who are recovering from terminating a pregnancy may not be excluded from any class or educational activity unless the student voluntarily requests to participate in a separate portion of a program or activity.	• Review pregnancy policy of the school/district. • Recommend any changes necessary in order to comply with Title IX and develop guidelines for participation in physical education programs. • Review special programs offered for pregnant students to ensure they include activities provided other students.
	• A physician's permission for participation may be required only if required of other students who have had temporary physical or emotional impairment.	• Review requirements for a physician's note for re-entry following any/all illnesses. • Consider requiring a physician's note for re-entry for all absences which have required the attention of a physician's services.
	• A consistent leave policy must be established which ensures that pregnancy is treated as any other temporary disability.	• Publish and publicize the leave policy for pregnant students as part of the regular leave announcements. • Review department/individual teacher's treatment of students returning from extended leave. Ensure that treatment of pregnant students or students returning after childbirth or termination of a pregnancy is the same as that expected of all students returning from a medical leave.
§ 86.51 EMPLOYMENT	• Recruitment, advertising, and the process(es) used for hiring must be free of sexual discrimination.	• Review district/school policy and process(es) for hiring. • Review job descriptions and eliminate sex stereotyping requirements/statements.
	• Decisions regarding upgrading, tenure, fringe benefits, leave policy, demotion, layoff, and rehiring must be free from sex discrimination.	• Review the policy(ies) related to these issues and the overall effect of their implementation since 1972.

Requirements of the Law
Title IX and Physical Education - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.51 cont. EMPLOYMENT		• Correct past discriminations in employment when possible and establish policy/procedure to ensure nondiscriminatory implementation/policy in the future. • Check to see that members of one sex are not adversely affected by employment policies in teaching or administrative roles.
	• No district may enter into a collective bargaining agreement which prescribes or results in discriminatory outcomes on the basis of sex.	• Review collective bargaining sections related to teacher rights and behavior.
	• Selection of teachers to receive financial aid in order to attend professional meetings and conferences, receive leaves of absence for sabbaticals,or to pursue additional training must be free from sex discrimination.	• Review policy(ies) and budget allocations related to leaves, conference selection, and reimbursement. • Publicize opportunities for district/school support for conferences, leaves, etc., equitably to all employees.
	• Social or recreational activities, if provided, must be free of sex discrimination.	• Review the patterns of traditional gatherings. • Eliminate one-sex school/agency-sponsored activities (men's golf tourney, women's auxiliary, etc.) or provide for members of both sexes (Scotch foursome tourney, etc.).
§ 86.61 SEX AS A BONA FIDE OCCUPATIONAL QUALIFICATION	• Any and all qualified candidates for employment must be considered on merit and on thorough application of nondiscriminatory criteria which do not reflect "alleged comparative employment characteristics or stereotyped characteristics of one or the other sex" or "preference based on sex of the recipient, employees, students, or other persons."	• Review the hiring policy(ies) and procedures used by the district/school and eliminate discriminatory criteria and processes. • Check to see that the overall staffing patterns reflect an affirmative action orientation.

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.61 cont. SEX AS A BONA - FIDE OCCUPATIONAL QUALIFICATION	Persons hired for locker room attendants or for supervision and maintenance of toilet facilities used only by members of one sex may be hired with sex as a bona fide occupational qualification.	• Realize that it is permissible to hire male locker/bath attendants for the boys' locker room duties and females for the girls' locker/bath areas.

APPENDIX

B

SAMPLE QUESTIONS AND ANSWERS RELATED TO TITLE IX: IMPLEMENTATION IN PHYSICAL EDUCATION*

1. What about sex segregation in physical education? When is it permitted and when is it mandatory?

   Physical education courses must be conducted coeducationally for females and males. Students may be separated by sex under two conditions:

   1) when they are participating in contact sports (86.34(c))

   2) when grouping students by ability results in groups which are composed predominantly of either females or males (86.34(c))

   Sex separation during contact sports is not mandatory; if it is used, it should be used only during participation in contact activities. If students are to be grouped by ability, ability must be assessed by objective standards for each major activity unit.

2. May boys and girls be separated within physical education classes for special interest activities such as modern dance for girls and weightlifting for boys?

   Schools may permit students to select physical education courses or activities on the basis of their interest; all options must, however, be open to boys and girls according to the same criteria (86.34).

3. Do we have to have boys and girls in the same physical education classes if we offer the same classes with the same content on a segregated basis?

   The Title IX regulation specifically prohibits segregated classes in physical education (86.34).

4. All my life I have taught in a women's (girl's) department and I was hired to teach girls. I like my students to be attentive; I maintain good discipline. Male students will be a disruptive influence and I am not going to change at this stage.

   or

   I'm used to teaching boys (men); I don't have to give them a lot of instruction or baby them along. Boys just jump right in. Girls would lag behind.

*These questions and answers were prepared by Marjorie Blaufarb, and they are included in Title IX and Physical Education: A Compliance Overview, Washington D.C., Resource Center on Sex Roles in Education, 1977.

These questions reflect the traditional sex-stereotyped notion that "girls are docile and passive; boys are active and energetic". In fact, both boys and girls (women and men) display a full range of human characteristics, in general, and reactions to physical activity, in particular. Different teaching styles will be effective with different students; the most salient differences are probably individual, not sexual. All teachers, male and female, will become more effective if they are able to adapt their teaching styles to different learning styles of students.

5. How can I avoid being accused of making sexual advances if I am spotting in a gymnastics class and have to catch a falling student?

   Before beginning gymnastics instruction, it is advisable to explain to students the potential hazards in gymnastics, the need for care, and why spotting is necessary. This is another situation in which mixed-sex team teaching may be appropriate, or in which students may be trained to spot others of the same sex.

6. How can I teach wrestling holds to girls or women students? You just cannot have wrestling in a sex-integrated class.

   The Title IX regulations do not require heterosexual wrestling. If girls opt for a wrestling class, they may be separated within the gymnasium during class. They do not have to be on the same mat with boys. Sex-integrated wrestling classes might be well suited to a team teaching approach. Teaming a male and a female teacher in this situation eliminates the need for a teacher to demonstrate holds in ways that may embarrass her/him. An alternative solution might be to ask students of the same sex to demonstrate holds to the class, under the direction of the instructor (86.34(c)).

7. What about dress standards in sex-integrated physical education?

   Imposition of different dress standards for female and male students is in violation of Title IX

regulations. A policy may be established regarding requirements for appropriate and safe dress for physical education participation, but the policy must be applied equally to all students. If females are required to wear gym uniforms, then males must be required to wear them also. It is permissible, however, to require the use of different types of protective equipment by females and males, if such differences are justified by actual physical differences related to safety in the activities involved (86.31-a,5).

8. What about tort liability? What about accidents in a sex-integrated situation?

Teachers are responsible for the safety of all students. In every situation they must teach in a prudent fashion, bearing in mind the ability and skill of each student. In a sex-integrated class greater care may need to be taken in student grouping and pairing; it may be advisable to group students by weight, size and skill in contact and noncontact sports. Develop an awareness in all students of the need for care in playing so that others are not injured. Tort liability holds just as well when a 200-pound student injures an 80-pound student of the same sex in a football game or other contact activity.

9. Who will supervise the locker rooms?

The Title IX regulation makes no requirements regarding locker room supervision other than to provide that agencies and institutions may require supervision by staff of the same sex as that of the students using the facility. Locker room duty may be the responsibility of paraprofessionals; it may be declared a teaching situation; or it may be allocated in any other way appropriate to the local situation.

10. How are municipal recreation programs affected by Title IX?

Municipal recreation programs are affected by Title IX only to the extent that a school district significantly supports such programs. If you have traditionally allowed community groups to just use your facilities, either for a fee or without charge, that would not be

considered "significant assistance". However, anything beyond that, such as sending notes home with students, posting notices on the bulletin boards, announcements over the PA system, inputting staff time, etc. would be considered significant assistance, at which time all of the requirements of Title IX which would apply if the school were running such a program would apply to the municipal recreation program. If the city does not comply with the regulation, the school must dissociate itself from participation (86.31-b,7).

APPENDIX

C

SUGGESTED ANSWERS TO PHYSICAL EDUCATION CASE EXAMPLES

The following answers are provided for use with case examples. These answers respond to these questions:

Does the case example demonstrate a violation of the Title IX regulation?

If the case example does not demonstrate a violation of the Title IX regulation (sex-discrimination), would it be characterized as a sex-biased behavior?

If either of the conditions exist (sex-discrimination or sex-bias), what are some of the appropriate corrective and remedial steps which may be taken?

Physical Education--Elementary Case Examples

Case 1. This situation is not in violation of the Title IX regulation, unless the physical education classes are being conducted on a sex-segregated basis. The existence of two different methods of instruction does not constitute non-compliance, but may clearly indicate a bias that could impact negatively on one sex or the other.

A suggested corrective action would be the development of a consistent philosophy and physical education program for fourth grade students. All students deserve similar instruction or individualized instruction which can meet the needs of each child.

Case 2. The remark that "dodge ball is too rough for girls" would indicate the presence of sex-bias, but it is unlikely that a Title IX violation has occurred, unless equipment has been assigned on the basis of gender. While this situation would probably be prohibited by the Title IX regulation, if the activities were part of the instructional program, the free play or recreational nature of recess would not prohibit sex-segregated activities.

Possible corrective steps would include having the staff ensure that sex-segregated play groupings were by choice and not by the exclusion of the other sex. In addition, staff should make

positive effects to counsel all students as to the availability of all activities and encourage play on the basis of individual interests. As students become more comfortable with mixed-sex groupings, it would be anticipated that such scenes would become less prevalent.

Case 3. This is an example of the school's sex-biased attitudes which result in a violation of the Title IX regulation. The provision of sex-segregated physical education is based on outdated stereotypic information that is contrary to fact.

The corrective action called for is the immediate integration of physical education classes at the K-6 grade levels. If this conversion is resisted by the schools, an internal grievance or complaint may be an appropriate method of urging the schools to comply with the Title IX regulation or a complaint may be filed with the Office of Civil Rights, Department of Health, Education, and Welfare.

Case 4. This assignment of activity on the basis of sex would be a violation of the Title IX regulation. All students should be given the same opportunities to perform tasks. Grouping by sex for work details or going to and from lunch or the playground should be avoided.

Corrective steps might include development of policy guidelines, inservice training for staff, and individual consultation with instructional staff.

Case 5. This assignment of activity on the basis of sex is a violation of the Title IX regulation. Classes in physical education must be conducted on a coeducational basis. Although soccer may be identified as a contact sport, students could be separated by sex for actual participation in the game or contact drills. Skills sessions not involving contact should be conducted on a coeducational basis.

Corrective steps would be the development of policy guidelines, distribution of such guidelines to staff, and inservice training for staff. Other corrective steps would include developing a physical education program which would provide movement activities and field sports for all students.

Case 6. The segregation of male and female students during physical education classes would be a violation of Title IX. Although the needs and abilities of one outstanding female student have been recognized and accommodated, other students are being discriminated against by such behavior. Title IX does not dictate curriculum, but does encourage programs that best serve the needs, interests, and abilities of all students.

This situation should be corrected by providing coeducational physical education immediately.

Physical Education--Secondary Case Examples

Case 1. Grouping by ability is permissible under the Title IX regulation. Ability groups should be determined by objective, activity-related criteria. However, if there are sufficient numbers of students (females and/or males) that cannot meet the criteria for inclusion in the class, but have interest, an option should be provided for them.

Case 2. This is not only permitted by the Title IX regulation, but it is also highly desirable, especially during the adjustment period from 1975 to July 1978. Caution should be taken, however, that this team teaching approach does not result in the boys being instructed by the male instructor and vice versa for the girls.

Case 3. If it has been found that identical evaluation standards for females and males in this area results in all/most of the females getting lower grades, then the differential standards are appropriate and permitted under Title IX regulation. It may be more desirable to allow any student

who cannot execute a pull-up to do the alternative bent arm hang.

Case 4. This scheduling option would be a violation of the Title IX regulation. The situation reflects the age-old stereotype which believes that all boys are more robust than all girls and must, therefore, have more space.

Corrective steps would call for cooperative use of both gyms with alternate scheduling of facilities for female and male classes.

Case 5. The Title IX regulation allows until July 21, 1978 for the phasing in of coeducational physical education at the secondary level. There is, however, a certain sex role bias shown in the selection of the required activities for the freshman students.

Corrective steps would call for developing a greater variety of activities for males and females and conducting some activities on a coeducational basis.

Case 6. This sex-segregated course would be in violation of the Title IX regulation. Courses cannot be designated on the basis of sex. A more appropriate option might be to offer a novice weight training course and make it open to boys and girls. If an all-female class were to result from an open elective process, there would be no violation of the Title IX regulation.

Case 7. This may or may not be a case of negligence, but it does appear to be a violation of the Title IX regulation. The class is being conducted on a coed basis and grouped by ability. It would be the teacher's individual responsibility to ensure that the activities in which the students engage are suitable for their skills.

Case 8 Requiring a female student from termination of a pregnancy to make up work and not requiring a male student who has been ill to make up work would be violation of the Title IX regulation. Corrective actions would require equal treatment of students who have been absent for any medical disability.

Case 9 This may or may not be a Title IX violation. If the employment procedure was carried out in a nondiscriminatory fashion, no Title IX violation occurred.

The ultimate consideration is that of outcome. Did the selection of a male physical education teacher, who can assist with football coaching responsibilities, diminish services for females or substantially change the assignments of female teachers? If the effect of the action was to change services for females, it would be a violation of the regulation.

Case 10 The practice of unofficially designating boys with an "x" and girls with a "y" as a means of providing for more equal distribution of females and males in classes would not be a violation of the Title IX regulation as long as program offerings were not discriminatory.

APPENDIX

D

"AN EQUAL CHANCE THROUGH TITLE IX" AN ANALYSIS

(Note: The following are just some of the assumptions made by the film. The answers can help facilitate the discussion.)

1. What assumptions seemed to be made about students in the film? (e.g., kids naturally enjoy physical activity)

   All students deserve the opportunity to reach their full potential.

   Movement competence is essential to later physical development.

   Sports are appropriate for some and inappropriate for others (sex-linked).

   Competition teaches social lessons.

   Vigorous activity is needed for fitness.

   The demands of daily life make little distinction between men and women.

   Competitive athletics is for physically gifted students of both sexes.

2. What assumptions seemed to be made about physical activity programs in the film? (e.g. physical education programs are very important to the development of self-image)

   Many programs will have to change.

   Sound programming can be run on a sex-integrated basis.

   Sports require complex physical skills.

   Team teaching is desirable.

   Curriculum is not mandated in the law.

   Curriculum development is the right and the responsibility of the school.

   Lifetime fitness is a worthy goal.

   Everyone needs a healthy body.

3. What assumptions did you see being made about similarities of male and female students in the film?

   In primary school, boys and girls have traditionally been treated equally.

   Females and males can learn physical competence together.

   The range of ability is similar in males and females.

   Both females and males can learn to be good competitors.

   Both males and females desire to be physically fit.

4. What assumptions did you see being made about differences between male and female students in the film?

   Early in school boys and girls are assumed to have different interests and talents in school.

   Boys are active; girls are passive.

*American Alliance for Health, Physical Education and Recreation (AAHPER), 1201 Sixteenth Street, Washington, D.C. 20036

WORKSHOP NOTES

WORKSHOP EVALUATION

Date _____ School District _____

DIRECTIONS: Complete and return to the workshop facilitator using the rating scale below that shows 1 as the lowest and 5 as the highest value.

___Female

___Male

Your role as a member of this workshop:

___Student

___Parent

___Teacher

___Special Services

___Administrator

Years of Age

___6-15

___16-20

___21-25

___26-30

___31-45

___46-above

		Low				High
1.	The workshop objectives were met:					
	a. Increased my understandings of Title IX regulations and its implications in physical education programs.	1	2	3	4	5
	b. Increased my skills in identifying discriminatory or biased situations.	1	2	3	4	5
	c. Provided an opportunity to examine my behavior as it relates to sex equity in physical education	1	2	3	4	5
	d. I was given an overview of the change process needed to attain sex equity in physical education.	1	2	3	4	5
2.	There was enough time to get the information I needed.	1	2	3	4	5
3.	My feelings about implementing sex equity in the schools were changed or reaffirmed by this workshop.	1	2	3	4	5
4.	I believe a Title IX communications network is essential.	1	2	3	4	5
5.	I learned or relearned that others have some of the same concerns I have.	1	2	3	4	5
6.	I now feel more positive about choices that I may have and my own career goals.	1	2	3	4	5
7.	The workshop has made me feel more capable as a professional.	1	2	3	4	5
8.	The workshop has helped me to have more positive feelings about my work related interactions with members of the opposite sex.	1	2	3	4	5

9. Comments: _____

_____

1978 - 1980 EDUCATIONAL PRIORITIES

AS ADOPTED BY THE COLORADO STATE BOARD OF EDUCATION

IMPROVEMENT OF BASIC SKILLS:

The Colorado Department of Education, through the accountability process and other proven methods, will help schools analyze and improve student skills in reading, writing, speaking, listening and mathematics.

IMPROVEMENT OF DISCIPLINE IN SCHOOLS:

The Department will assist schools to achieve a learning climate for improved student discipline to enhance the learning process.

IMPROVEMENT OF ORGANIZATION AND MANAGEMENT OF EDUCATION:

The Department will assist schools and libraries by coordinating and integrating state, local, and federal programs to strengthen their skills in research, evaluation, and planning, for effective use of financial and human resources.

IMPROVEMENT OF PUBLIC CONFIDENCE IN EDUCATION:

The Department will work with schools to improve public confidence in education through practical means including the state's accountability and accreditation processes and through increased involvement of the total community in the public school system.

IMPROVEMENT OF EQUALITY OF ACCESS TO INFORMATION:

The Department will identify and improve programs which assure equal access to information to help all Colorado citizens meet occupation, educational, and leisure time interests.

IMPROVEMENT OF LEADERSHIP AND STAFF DEVELOPMENT:

The Department will further efforts to strengthen leadership skills of all professional staffs in the Department of Education, schools, boards of cooperative services, and libraries and library systems through increased inservice programs planned and offered cooperatively with higher education and other appropriate organizations.

COLORADO STATE BOARD OF EDUCATION

Jacquie Haughton, Chairman	(Second Congressional District)	Lakewood
Allen B. Lamb, Vice Chairman	(Fourth Congressional District)	Windsor
Betty Gilliss	(Fifth Congressional District)	Aurora
Dorothy Gotlieb	(First Congressional District)	Denver
Frank J. Ricotta	(Third Congressional District)	Pueblo